

1 AN ACT concerning open meetings.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Open Meetings Act is amended by changing  
5 Section 2.06 as follows:

6 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

7 Sec. 2.06. (a) All public bodies shall keep written  
8 minutes of all their open meetings and a verbatim record of  
9 all their closed meetings in the form of an audio or video  
10 recording. Minutes ~~whether open or closed. Such minutes~~  
11 shall include, but need not be limited to:

- 12 (1) the date, time and place of the meeting;
- 13 (2) the members of the public body recorded as  
14 either present or absent; and
- 15 (3) a summary of discussion on all matters  
16 proposed, deliberated, or decided, and a record of any  
17 votes taken.

18 (b) The minutes of meetings open to the public shall be  
19 available for public inspection within 7 days of the approval  
20 of such minutes by the public body.

21 (c) The verbatim record may be destroyed without  
22 notification to or the approval of a records commission or  
23 the State Archivist under the Local Records Act or the State  
24 Records Act no less than 18 months after the completion of  
25 the meeting recorded but only after: Minutes--of--meetings  
26 ~~closed-to-the-public-shall-be-available-only-after~~

27 (1) the public body approves the destruction of a  
28 particular recording; and

29 (2) the public body approves minutes of the closed  
30 meeting that meet the written minutes requirements of  
31 subsection (a) of this Section. determines-that-it-is--no

1           ~~longer--necessary--to--protect--the--public--interest--or--the~~  
2           ~~privacy--of--an--individual--by--keeping--them--confidential.~~  
3           ~~(e)~~

4           (d) Each public body shall periodically, but no less  
5 than semi-annually, meet to review minutes and recordings of  
6 all closed meetings. At such meetings a determination shall  
7 be made, and reported in an open session that (1) the need  
8 for confidentiality still exists as to all or part of those  
9 minutes or (2) that the minutes or recordings or portions  
10 thereof no longer require confidential treatment and are  
11 available for public inspection.

12           (e) Unless the public body has made a determination that  
13 the verbatim recording no longer requires confidential  
14 treatment or otherwise consents to disclosure, the verbatim  
15 record of a meeting closed to the public shall not be open  
16 for public inspection or subject to discovery in any  
17 administrative proceeding other than one brought to enforce  
18 this Act. In the case of a civil action brought to enforce  
19 this Act, the court may conduct such in camera examination of  
20 the verbatim record as it finds appropriate in order to  
21 determine whether there has been a violation of this Act. In  
22 the case of a criminal proceeding, the court may conduct an  
23 in camera examination in order to determine what portions, if  
24 any, must be made available to the parties for use as  
25 evidence in the prosecution. If the court or administrative  
26 hearing officer determines that a complaint or suit brought  
27 for noncompliance under this Act is valid it may, for the  
28 purposes of discovery, redact from the minutes of the meeting  
29 closed to the public any information deemed to qualify under  
30 the attorney-client privilege. The provisions of this  
31 subsection do not supersede the privacy or confidentiality  
32 provisions of State or federal law.

33           (f) Minutes of meetings closed to the public shall be  
34 available only after the public body determines that it is no

1 longer necessary to protect the public interest or the  
2 privacy of an individual by keeping them confidential.

3 (Source: P.A. 88-621, eff. 1-1-95.)